

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 2005-10286-PBS**

**DOMINIC V. DIMODICA,  
Plaintiff,**

**v.**

**ROBERT MURPHY, ET AL.,  
Defendants.**

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**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME  
TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT**

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Defendants Robert Murphy, Superintendent of the Massachusetts Treatment Center, Kathleen M. Dennehy, Commissioner of the Massachusetts Department of Correction, and the Massachusetts Department of Correction (the "Defendants"), hereby move this Court to enlarge the amount of time to respond to the Plaintiff's Amended Complaint (Document No. 35) by 45 days, up to and including January 15, 2007.

As reasons therefore, counsel states that further time is required in order to investigate and make an informed and intelligent response to the allegations contained within the plaintiff's complaint. Given that the Plaintiff originally filed his complaint on February 4, 2005, and has only recently filed the Amended Complaint on November 21, 2006, the Defendants' requested enlargement can not be considered prejudicial to the Plaintiff. Further, the Defendants' requested enlargement will not interfere with the current time limits set by the Court (Plaintiff's expert report due 1/20/07, Plaintiff's Summary Judgment Motion due 2/15/07, Defendants' Opposition due 2/28/07, Hearing on Summary Judgment Motions on 3/13/07). Finally, on December 1, 2006, counsel for the Plaintiff indicated that she had no objection to the requested enlargement.

For the all the reasons listed above, the Defendants move this Court for an enlargement of the time to respond to the Plaintiff's Amended Complaint, up to and including January 15, 2007.

Respectfully Submitted

by the Commonwealth

NANCY ANKERS WHITE  
Special Assistant Attorney General

by: s/ BRENDAN J. FRIGAULT  
Brendan J. Frigault, Counsel  
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BBO Number 647669

Dated: December 1, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, including:

**Attorney for Plaintiff, Dominic DiModica**  
Jennifer Serafyn  
SEYFARTH SHAW, LLP  
World Trade Center East  
Two Seaport Lane, Suite 300  
Boston, MA 02210-2028

s/ BRENDAN J. FRIGAULT  
Brendan J. Frigault

Dated: December 1, 2006

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DISTRICT OF MASSACHUSETTS**

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**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1**

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Defendants Robert Murphy, Superintendent of the Massachusetts Treatment Center, Kathleen M. Dennehy, Commissioner of the Massachusetts Department of Correction, and the Commonwealth of Massachusetts (the “Defendants”), by and through undersigned counsel, hereby certify that Defendants’ counsel has conferred with counsel for the Plaintiff, in accordance with LR, D.Mass. 7.1. DOC Defendants’ counsel contacted Plaintiff’s counsel by phone on December 1, 2006, and Plaintiff’s counsel indicated that she did not object to the requested enlargement.

Respectfully Submitted

by the Commonwealth

NANCY ANKERS WHITE  
Special Assistant Attorney General

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BBO Number 647669

Dated: November 27, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, including:

**Attorney for Plaintiff, Dominic DiModica**

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s/ BRENDAN J. FRIGAULT  
Brendan J. Frigault

Dated: December 1, 2006